## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

ELECTRIC INSURANCE COMPANY, ET AL.	) CASE NO. C-1-00-1056
Plaintiffs,	) JUDGE BERTELSMAN ) )
V.	)
PHYLLIS H. WALLACE, EXECUTRIX OF THE ESTATE OF CHRISTOPHER S. WALLACE, ET AL.	) AFFIDAVIT OF ) BRIAN A. MEEKER )
Defendants.	) ) )

Affiant, Brian A. Meeker, having first been duly sworn according to law, states and avers as follows:

- 1. Melanie Hoffer was advised that her deposition was scheduled for April 21, 2005 by means of a letter sent on my behalf by my paralegal.
- 2. Melanie Hoffer was further advised that her deposition was scheduled for April 21, 2005 by means of attempted service of a subpoena by a process server retained by counsel for the Estate of Wallace. On information and belief, Ms. Hoffer ripped this subpoena into pieces.
- 3. On further information and belief, Ms. Hoffer spoke with counsel for the Estate of Wallace, indicated her knowledge of the date and time of the deposition, but further indicated she was uncertain whether she would attend.
- 4. I retained a process server to attempt personal service of a subpoena to Ms. Hoffer. After many unsuccessful attempts to make personal service, I requested the process server to leave a copy of the subpoena at Ms. Hoffer's residence.
- 5. After Ms. Hoffer failed to appear for her deposition, I left a voice message at her phone number requesting her to call me to discuss the case and make arrangements for a deposition. Ms. Hoffer did not return that call.

- 6. In a last effort to amicably arrange for Ms. Hoffer's appearance, I wrote to her address on May 5<sup>th</sup> and again requested her to contact me to arrange a suitable date and time for her deposition. Ms. Hoffer did not respond to that letter.
  - 7. Further affiant sayeth naught.

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STATE OF OHIO **CUYAHOGA COUNTY** 

day of \_, 2005 the above named person appeared in person before me and acknowledged that he executed the foregoing instrument as his own free act and deed for the uses and purposes set forth therein. In witness whereof, I have hereunto set my signature and seal.

Notary Public

PATRICIA A.(RII Notary Public, State of Ohio Recorded in Cuyahoga Cty. My Comm. Expires March 20, 2006